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RUEHIT/AMCONSUL ISTANBUL 4480
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C O N F I D E N T I A L SECTION 01 OF 03 ASHGABAT 000187

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SUBJECT: TURKMEN CITIZENSHIP: THE LAW AND REALITY

Classified By: Charge Sylvia Reed Curran, Reasons 1.4 (b) and (d)

11. (C) SUMMARY: Turkmenistan's citizenship law stipulates that Turkmen citizenship can be acquired either by birth or through completion of an application process. However, during the past five years, Turkmenistan has not granted citizenship to anyone who was not born in the country. The State Migration Service, which is the agency that processes applications for citizenship, does not currently accept applications. The State Commission that reviews applications and submits its recommendations to the president does not convene. The government is currently making no effort to eliminate contradictions in its legislation on citizenship. The government's unwillingness to address the citizenship issue highlights the matter's political sensitivity. The authorities might be concerned that outsiders who acquire citizenship could affect political stability in the country.
END SUMMARY.

REQUIREMENTS FOR TURKMEN CITIZENSHIP

12. (C) According to Turkmenistan's Law on Citizenship of September 30, 1992, Turkmen citizenship is acquired either: i) at birth, ii) as the result of a process of petitioning for citizenship, or iii) on other grounds specified by the law. The passport of a citizen of Turkmenistan is the document confirming citizenship. The law states that an individual may petition for and be granted Turkmen citizenship if he: i) commits to obey and respect the Constitution and laws of Turkmenistan; ii) knows the state language of Turkmenistan sufficiently well to communicate; iii) has had permanent residence on the territory of Turkmenistan for the past seven years; and iv) has a legitimate source of livelihood on the territory of Turkmenistan. The law provides that, in exceptional cases, the President has the right to approve a petition for Turkmen citizenship in the case where an individual has met only the first requirement. The President alone has the authority to grant Turkmen citizenship to foreign citizens and to stateless individuals.

THE COMMISSION ON CITIZENSHIP

13. (C) According to the law, the Commission on citizenship, formed by the President and working under his authority,

submits to the President its recommendations about the merits of a citizenship petition. It also makes recommendations about renunciation and restoration of citizenship cases. The commission has a quorum when more than half of its members participate, although the number of its members is unknown. Its members include the ministers of the law enforcement and security agencies and foreign affairs. A decision of the commission is made by a simple majority of those voting. The time period for consideration of applications concerning citizenship should not exceed six months. A reapplication is possible after one year. The President issues decrees regarding the granting, restoration and renunciation of citizenship.

THE REALITY

¶4. (C) According to Batyr Sapbiyev, UN High Commissioner for Refugees (UNHCR) Assistant Protection Officer in Turkmenistan, while the provisions of the citizenship law are consistent with international standards, implementation of the law is a problem. In 2005, 13,245 people received Turkmen citizenship and residence status by a presidential decree. Since that time, Turkmenistan has not granted citizenship or permanent residence status to any applicant known to UNHCR. According to Sapbiyev, "For unknown reasons, the State Migration Service does not accept applications, and the commission on citizenship does not convene." According to Zalina Rossoshanskaya, Director of Bosfor NGO that provides legal consultations on citizenship issues, there are people who have not been able to submit their applications for three to five years. The role of the Migration Service

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in the citizenship process is quite limited. It checks that all required documents are in the application, processes the application and confirms the applicant's legal residence in Turkmenistan. UNHCR noted that the Migration Service requires 17 different documents as part of the application, many of which are issued with only ten day validity. According to Sapbiyev, it often happens that, before an individual collects the last document, the first one expires, creating a cumbersome circle of visits to various authorities. Rossoshanskaya said the list of required documents changes quite often. The documents must be submitted only in the Turkmen language, which makes the process even more complicated for non-native Turkmen speakers.

GRAY AREAS IN LEGISLATION

¶5. (C) While the law does not require an applicant to renounce his existing citizenship in order to apply for Turkmen citizenship, in practice, the Migration Service requires such renunciation, creating an inconsistency in the law. In effect, a person must jeopardize his current citizenship without having any guarantee that he would receive Turkmen citizenship. The Migration Service's renunciation requirement conflicts with some other countries' legislation on citizenship. For instance, Ukraine does not accept its citizen's renunciation of citizenship without making sure the citizen receives citizenship of another country. Not to risk their existing citizenship, some people, according to Rossoshanskaya, instead choose to apply for permanent residence status. Such status requires people to relinquish only their voting rights, but not citizenship. There are also discrepancies between the citizenship law of 1992 and the revised Constitution adopted in 2008. In particular, the Constitution abolished dual citizenship, whereas the citizenship law still allows it.

STATELESS AND UNWANTED

¶6. (C) According to Sapbiyev, Turkmenistan does not accept applications from citizens of Afghanistan. Apparently, this is based on an internal rule of the Migration Service. Rossoshanskaya mentioned that the Migration Service has the same policy regarding Iranians. Unofficially, Sapbiyev had

learned that, in Turkmenistan, there are about 12,000 people over the age of 16 without documents or with an old Soviet passport, essentially stateless persons. According to Rossoshanskaya, the Migration Service issues an identity document to a stateless person only if Service ensures that once the individual is issued the document, he would immediately leave Turkmenistan. In order to resolve the issue of statelessness, UNHCR has offered a draft Action Plan for Prevention and Reduction of Statelessness for consideration by the Turkmen Government. If approved, the document would assist in making determinations of statelessness, as well as reducing the number of and protecting stateless persons in the country.

17. (C) COMMENT: Despite the modest size of its population, Turkmenistan shows no interest in attracting new citizens. Moreover, by abolishing dual citizenship, the government leaves no practical alternative to many qualified Russian-speaking specialists other than to give up their Turkmen citizenship. Not accepting applications from Afghans and Iranians, the authorities seem to emphasize that nationals of those countries are not welcome in Turkmenistan as new citizens, despite the large ethnic Turkmen populations in both countries. As both Sapbiyev and Rossoshanskaya noted, the authorities' unwillingness to address the citizenship issue signals that there are sensitive political implications behind the government's policy. The government might be concerned about an increase in the number of outsiders, including ethnic Turkmen from neighboring countries, as a potential cause of political instability. Rather than face possible real or imagined risks posed by new citizens, current government policy seems based on a desire to maintain the status quo through inaction. END COMMENT.

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